

THE  
SUFFERINGS  
AND  
DEATH  
OF  
HENRY ROBERTS,  
ESQ<sup>R</sup>.

TRANSLATED  
FROM THE FRENCH

OF

*Saint-Pierre*

MR. PAUL DE ST. PIERRE,  
PROFESSEUR A MALINES,

BY

A MEMBER OF THE UNIVERSITY  
OF DUBLIN.

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— And will Ye fell your Bretheren?

*Libertatem quam peperere Majores,  
Digne servare studeat Posteritas.*

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DUBLIN,  
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PRICE ONE SHILLING.

SUPPERINGS

AND

DEATH



HENRY ROBERTS

FROM THE FRANCH

PAULINE ST. MARTIN

1841

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## *Translator to the Reader.*

**I** was greatly surpris'd at seeing about two Years ago, a Pamphlet published with an Air of Confidence and Truth, entitled the Case of *Henry Roberts Esqr.* and that no Notice was taken of it till about 12 Months since, when the English Nation was called upon by a Professor of Mecklin in a Factum published there, for an Enquiry into those atrocious Violations of the Laws of Nature and Nations set forth to the World. When we had long expected a Refutation of those heavy Charges, and a clear Vindication of those high Courts of Equity and Justice, by whose power all those flagrant Wrongs are said to have been committed, out at length came an Answer by *Edward Radcliff Esqr.* in which one might have expected that full Defence so long wished for: But therein we find nothing but high Encomiums on one side and Reflections on the unfortunate of whose spoils he confesses himself a Sharer and boldly intimates that the persons in power *who gave them the Possession of Mr. Roberts Estates, right or wrong will maintain them in it,* and plainly tells us *Lawfully or not no other answer shall be given.*

Thus you see here is a Precedent set for a most cruel Inquisition first in England, next for our Island: A Method is chaulked out for all you Remainder men who think the possessors of Estates less wise and deserving than yourselves, or when old persons live too long for you, to get the immediate Possession. Procure two men to swear they think the person *not to have capacity, sufficient to manage his or her Affairs* (which may be sworn of most men) a Commission of Lunacy shall be granted; then your clever Attourneys will know how to pack a Jury, who (being taught by Authority to equivocate with their Oaths) will say, *God forbid! we should report Lunatick, but unsound Mind* they will report, and that shall answer all your Purposes as well.

I do not see how it is possible for any Man to escape who shall be singled out for a Chase no fuller and better Evidence of Sanity and Capacity can be given than appears to be given by Mr. *Roberts*. The only *Charge* is, that he preferr'd a Sister to an entire stranger, and that he settled a small part of his Estate upon her and her Husband. If this be a Crime who can say he hath power over his own Property?

perty? What a severe check is this upon all Liberality and Gratitude? I may destroy myself, my best Friend's, and my Relations when I intend to reward their services, with a single Acre of my Land, if I should be so unhappy to have (Powerful Persons of either Sex, Rich, Old &c. in Remainder of me, able by) Promising large Legacys to make Interest and thereby a strong Party against me. My Friends by being defamed, and rendered odious May be disabled from helping me; the World may be amused so as to look on and suffer me to be put out of the Protection of the Laws, and levelled with the Beasts, and then sold at a Market, I shall be delivered over to a sett of men, hired to Worry me with More Fierceness than a Pack of Blood-Hounds, and as little Merrey.

It seems to me that Charges of this high Nature that so nearly concern Property, in a Country boasting of its Liberty, Goodness of its Laws and equitable Mildness of its Constitution, demand an answer from the Partys so heavily accused, if indeed an answer or Vindication could be made by them. But when I found that the Case had gone thro three Editions and the opinion of several Universtys had

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been

been given Publickly upon it very disadvantageous to the English Nation, and that it was still neglected and unanswer'd and that Familys who have Estates are every where thereby justly made uneasy, I determin'd to make a strickt search into the Truth of all these Facts by examining *the Orders of Chancery, the Minutes* of the severall hearings upon it, the Affidavids filed in the Offices, the Proceedings and Tryalls at the King's Bench Bar and at Exeter; I have discourf'd Many Gentlemen who were personally present, and remark'd all these Transactions in Town and Country, together with the incredible Sums of Money spent in Charges of Law. Upon the whole I am bound to declare the following to be an honest, fair, and true Narrative throughout, and any Gentlemen who will be at the Pains of seeing these Authentick Vouchers may with little trouble be as fully convinced.

I am induced to Publish this most complicated Case by no other Motive but a Love of Justice, and an Abhorrence of Villany, of which here is a deeper seasoning, all Circumstances and Consequences consider'd, than in  
any

any Story of the Present or past Ages. I am not an indifferent person when such Calamities threaten my Country: Therefore I made a further enquiry, by asking many Gentlemen of great honour and known Probity who made Oath of Mr. *Roberts* Sanity and Capacity, (and why they were not believed is amazing) who all assured me they had conversed with Mr. *Roberts* often and knew him to have been a Modest, Sober, and rational Man; that they had often made Tryall of his Capacity by seeing him write sensible Letters of Business in their Presence and pass Accounts regularly, and that he was most unjustly destroyed. And what is well worth remarking those Gentlemen who saw him under Confinement at Canterbury when neither Friend nor Relation was sufferd to see him and all Arts were used to render him ridiculous, commend his decent and sensible Behaviour and Speak of him as a rational Man.

It is in the power of every Man to get the same Information from these Gentlemen now living in publick Characters. I was willing to hear what the adverse Party and the Favourers of this Prosecution would say to justify,

these Proceedings. Their general Reply to me was? *Mr. Roberts was a great Fool and Idiot; and the Prosecutor ought to have his Estate.* I asked them if they Spoke this upon their own knowledge of *Mr. Roberts*; they all answer me, *they did not know him but are told so.* They will most Charitably believe the *whispers* of Attorneys, and suppose all the Gentlemen, who swore to the Sanity of *Mr. Roberts* upon their own knowledge of him, perjured.

I thought it my duty then, (tho a Native of another Island,) to give the English Nation from the French Factum in their own Language this Narrative to which I have confined myself; and do refer the Curious to the Factum itself and to the Case of *Hen. Roberts Esqr.* 3d. Edition, where they'll find Comments upon the Proceedings, together with the power antiently Vested in the Roman Prætors and what the civil Law is with respect to Wills, Settlements and Curatorships; and where they may also see *the Laws of England* before they expire and are lost for ever. Dublin, October 1748.

Henry

*Henry Roberts* Esqr. of Wilksden in the County of Middlesex was born 1717 the Year following he lost his Father *Henry Roberts*, who left this *Henry* his only Son, and one Daughter, who was married 1733 to *John Finney* of Lyndridge in the County *Devon* Doctor in Divinity. The Ancestors of Mr. Roberts often represented the County of Middlesex in Parliament, and by the Mother he was lineally descended from Doctor *Ridley*, Bishop of London 1555. This young Gentleman was educated suitable to his Fortune. His bad Health and tender Constitution admitted not the Exercises of publick Schools: Therefore private Tutors were hired to live in the house to instruct him. The Charge of Mr. Roberts Person was very delicate, for had any of those Accidents intervened, which too often carry off young Men, Especially those of Weakly Constitutions, the World would have believed Dr. *Finney* not displeased at his Wifes coming into the possession of so a large Fortune, but here Dr. *Finney* shewed himself to be a Conscientious Man, and deserving the Trust reposed in him, for he doubled his Diligence and it pleased God to bless his Care with Success. Mr. Roberts attained the Age of 21 yrs. From what hath been said it appears that usefull Learning such as

Arithmetick, knowledge of the French Tongue &c. was most proper for his tender Constitution, to be learnt by him with Pleasure, and impaired not the Health as more laborious and severer Studies must have done.

When Mr. Roberts attained the Age of 21 Years he demanded, as it was reasonable and lawfull for him todo, an Account from his Trustees of the Profitts of his Estate during his Minority, *this was the Provocation, the pretended Source of all his Misfortunes!* There had been a Misapplication of his Moneys and the thoughts of being forced to refund were grievous. Many Excuses were pretended and many Arts were tried to discourage and frighten Mr. Roberts, but to no purpose; for being tired with Delays he filed a Bill in Chancery against his Trustees.

But before we come to a Detail of their artifices it is necessary to know the Prosecutors of Mr. Roberts in order to a full understanding of the motives of this Prosecution Commenced against him.

Sr. Henry Bendysb left by Will his Estates in the County's of Essex, Cambridge, Suffolk and  
Esse-

Elsewhere to his Cousin Henry Roberts Father of this unfortunate young Gentleman and to the Heirs of his Body and for Default of such to his own Heirs Generall, so that upon the Extinction of the Family of Roberts these Estates vall. 40000 Pound Sterling were to descend to Mrs. *Sarah Pyke* as Heir General to Sr. *Henry Bendyshe*. This Mrs. Sarah Pyke during the Minority of young Mr. Roberts took upon herself the Management of his Estate in Barbados: And for that Reason she was made a Party in his Bill of Chancery.

The other Prosecutor of Mr. Roberts was Sr. *Stephen Anderson* whose Pretention to the Barbados Estate, being no way related to the Family of Roberts, was founded on a Tavern Jest. For Mr. Roberts the Father made and Executed his Will in a Tavern, and by that his last Will and Testament he gave his Plantation in the Island of Barbados to his Son Henry Roberts and to the Heirs of his Body, and for Default of such, to his Daughter *Catharine Roberts* and the Heirs of her Body and for Default of such in her, he entailed his Estate upon *Jervase Cartwright Esqr.* and the Heirs of his Body and so on, upon six Persons Successively, and Sr. Stephen Andersons Father being then present got his Name inserted

at

at the Close of the Settlement by Way of mirth over a Bottle of Wine by Mr. Roberts tho' doing so Serious an Act as making a Will, not believing any advantage could possibly accrue thereby to Sr. Stephen's Family: It was upon this laudable Foundation that Sr. Stephen Anderson proceeded jointly with Mrs. Pyke, Without waiting for the Extinction of the Testators Family, to Rob the Son of his Lawfull Inheritance, all the intermediate Persons named in the Will being Dead without Issue. It was not only Mrs. Sarah Pyke's unwillingness to account for the Profits of the Barbados Estate that Embarrassed, but her Eager Desire to possess the Estates of Sr. Henry Bendysh: And beside young Mr. Roberts had annulled the said Settlement, his Father made of his Plantation in Barbados.

As this Deed of Settlement was the only pretence made use of for all the ill Treatment Mr. Robert's received, and was the sole Cause of all the abuses Cast upon Dr. *Finney*, it is Necessary to set forth what that Settlement was, especially as Mr. Roberts never made any other Deed of Conveyance or Settlement whatsoever of any of his Estates except this small part, of it his Plantation in the Island of Barbado's. Mr. Roberts did not know,

know, nor had he ever seen Sr. Steph. Anderson whose Fathers Name he found so idly inserted in the Settlement of his Plantation; and when he attained the Age of 21 Years he annulled this Settlement of his Father, and made the Deed of Settlement, which hath made so much noise and hath been so basely Misrepresented, the Settlement which was made the Pretence for using Mr. Roberts with inexpressible Cruelty, for depriving him of all his Estates for condemning him to a Prison for Life, and rendering him incapable of Marrying; as likewise for ruining his Brother Dr. Finney by the heaviest Fines in Costs, and Confiscations for no Crime or Reason whatsoever but being named in this Settlement tho' so remotely that it was little more than a Compliment at the time the Settlement was made out of a Sense of Gratitude to a Brother in Law to whose tender care Mr. Roberts owed the Preservation of his Life as was attested of him on every side. The World must imagine some Circumstances in this Settlement Villanously bad to merit such severities, and probably will hardly be induced to believe it was made and executed in the Manner following and no otherwise Viz. Mr. Roberts gave his Plantation to a Trustee first for the use of himself and the Heirs of his Body, and

and in case he should dye without Children, then in Trust and for the use of his only Sister and her Children by Doctor Finney or any future Husband, and for Default of such for the use of Dr. Finney. The much regarded and antient Advocate of Westminster Hall *John Belfield Esqr.* Serjeant at Law and *Mr. Peter Gay*, both men of known Probity, have attested this Deed of Settlement and have subscribed their Names as Witnesses to the Due execution of it by Mr. Roberts, and Mr. Roberts spoke of it as his Intention thro the whole Course of his Life after. This Act so just and reasonable was urged as a Proof of Mr. Roberts Weakness and Incapacity, and without the shadow or Pretence of any other Evidence against him whatsoever. With this only the Prosecutors hunted Mr. Roberts Down: They had his Fortune in View and made it his Crime, that he preferd a Sister and Brother in Law to entire strangers. The Death of Mrs. Finney Feb. 16. 1742 and of her child sometime before inflamed their greedy Hopes of a speedy Succession to Mr. Roberts Estates. That Mrs. Pyke would be obliged to account with Mr. Roberts for the Profits of his Estate During his Minority and to refund the money was unavoidable.

There-

Therefore they shifted their Battery; and the Term before the Merits of Mr. Roberts demand upon Mrs. Pyke was to be heard in Chancery, and the Cause enterd for a hearing being notified to her; she in Conjunction with Sr. Stephen Anderson applied to Lord Chancellor for a Commission of Lunacy against Mr. Roberts upon a suggestion that *he had not Capacity sufficient to manage his Affairs.*

Upon their Petition a Commission issued from the Court against Mr. Roberts June 4th 1743 Commissioners were appointed, who cited Mr. Roberts to appear before them in the Castle of Exeter on the 29th day of August 1743. The Sheriff returned 24 Men to serve as Jurymen, of whom 21 appeared, and took the Customary Oath. *Excuse me for saying the Names of some of these Jurymen may be found recorded to that famous Verdict in the Cause of Bennet and Bayly; and some of them had been severely rebuked by Lord Chancellor Talbot.* The Prosecutors knew well how to play their Game, they employd Mr. Goostrey who went into Devonshire to direct the Prosecution. Very large sums of Money were sent thither and twelve Attorneys were hired to Act under Mr. Goostrey. These Men were disperfed and sent

sent thro the County with their several Clerks to misrepresent Mr. Roberts, but chiefly to defame and blacken the Character of Dr. Finney, thereby to work up the Passions of the envious and Malicious to favour and help on their designs perswading them to think it the Cause of Dr. Finney, and not of Mr. Roberts.

But the most important service done'em was by one Jeffery, whom we shall presently see acting a most vile part in this horrid Tragedy; Therefore it is necessary to tell who and what he is.

*Bartholomew Jeffery* Esqr. of Exeter had for a long space of time been Mr. Roberts Council, in whom he confided, and had rewarded him with handsome Fees as a Lawyer occasionally when he wanted Advice in his Affairs. This Mr. Jeffery worded and penned many Affidavids of the Sportsmen of the Country Tradesmen and Servants in the strongest Terms in favour of Mr. Roberts understanding and Capacity (which Affidavids are filed in the Office of Chancery) to prevent a Commission issuing from the Court against him.

When

When the Commission was granted, Mr. Jeffery artfully prevailed upon Mr. Roberts to name him a Commissioner: and what is most execrable, no sooner was this same Jeffery vested with this power but it appeared he had secretly held a Correspondance with Goostrey and was *in their Plot* against Mr. Roberts and an ardent promoter of the wicked Proceedings.

The true Cause of Mr. Roberts being thus deserted is worth notice.

*John Ley* of Exeter, the attorney employed, who had in his Custody Mr. Roberts Papers &c. came to him a few days before the opening of the Commission and said to him, *the adverse Party distribute great sums of money and give large Fees, unless Sr. you will give me forty Guineas for my Service and attendance on the Commission, as likewise a Fee for Counsellor Jeffery in consideration of his Trouble in penning the Affidavits in your favour; We shall accept of the much more advantageous offers made us by the Prosecutors.* Mr. Roberts was advised by his Friends in this distress to comply and to give them their demand; which he did with great Reluctance, not then suspecting their wicked Intention to betray him, for one

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was

was become his Commissioner and Judge, the other had in his hands all his Papers. And the Populace seemed to be unaccountably prejudiced against him, that he knew not where to apply. Now lett us see how Mr. Roberts was served by these honest Gentlemen for his Money.

The day the Commission was opened and before the Jury were assembled, Ley met Thomas Balle Esqr. of Maimhead in a Street of Exeter and says to him, *Sr. you are come hither to give Evidence for Mr. Roberts, but you can do him no Service, the Jurymen I know are determined to give a Verdict against him, and you will only expose yourself to Insults.* These words spoke by a Person known to be Attorney for Mr. Roberts made a strong Impression upon Mr. Balle, and he thereupon returned to his house in the Country. We come now to the Commission it self. The Commissioners were Thomas Gerrard Esqr. Bartholomew Jeffery Esqr. and Samuele John a Solicitor in Chancery.

Mr. Thomas Gerrard opened the Commission with an elaborate Speech and told the Jury.

“ That indeed the Laws of England confined their

" their Inquiry to *Idiocy* or *Lunacy*, but that now  
 " for wise and good purposes it was thought fit  
 " to extend the *Laws* and that they were to enquire,  
 " wether Mr. Roberts understanding was ade-  
 " quate to his Fortune, and if he could be impo-  
 " sed upon in the management thereof, adding  
 " that a Man may have sense Enough to mana-  
 " ge 300 Lib. per An. tho' not 3000 and that the  
 " Jury were at Liberty by all Methods to try the  
 " extent of his Capacity; besides without taking  
 " notice of *Lunacy* or *Idiocy*, they might find  
 " him of *Unsound Mind*, which being a Term of  
 " great Latitude, would save their Consciences as  
 " to the Oath, and the Court would construe  
 " that to be *Lunacy*; and that they had full Li-  
 " cense to Act as they pleased.

It was at 9 Clock in the Morning August  
 30th 1743 that Mr. Roberts appeared before a Tri-  
 bunall so well instructed and prepared to con-  
 demn him. Mr. Jeffery sitting on the Bench  
 with Mr. Gerrard and John, began to interrogate  
 Mr. Roberts; he questioned him at first with  
 an affected air of *Tenderness* and *Compassion*,  
 but the Mask was soon thrown of; he was  
 quickly seen encouraging and joining Mr.  
 Gerrard in his Scoffs and Insults upon Mr.

Roberts and all Gentlemen who offerd to depose  
in his Favour.

Mr. Jeffery well knew Mr. Roberts was a  
young Gentleman of tender Constitution and  
weak Nerves, and that Fatigue and the Hurry of  
a Court would soon sink his Spirits. This Ad-  
vantage the Prosecutors got by Counsellor Jeffe-  
ry's Acquaintance with Mr. Roberts; for being  
*set up on high* to the View of many Hundred  
Spectators, in a very little time their usage  
made Mr. Roberts appear as a Person lifeless and  
dead, and when they had reduced him to that sad  
and deplorable condition, they held him fast *there*  
*exposed* in open Court full six hours. The me-  
thods used to confound him were first by Putting  
him captious and insnaring Questions relating to  
his Plantation, his Sugars, and the Produce of  
that Estate, whereupon Mr. Roberts taking out  
his Pockett Book to help his Memory, Mr. Ger-  
ard by his Banters obliged him to lay it aside:  
This was the signal for the Prosecutors (after  
the Example of the Commissioners) their Coun-  
cell and their Attorneys to fall upon the young  
Gentleman likewise, which they did by bawling  
out aloud *observe the Fool, look at the Fool, see how*  
*much like a Fool he looks.* When Questions were  
asked

asked him by any of the Jury, the Attorneys Clerks, and the Prosecutors servants placed near him cried out, *he wont answer, he cant answer, he cant Speak for himself.*

What a frightfull Scene of Cruelty was here? What horrible Treatment was this of a Gentleman, infirm in his body? to be forced to endure these inhuman Insults full six hours as mentioned before.

Mr. Roberts as long as he was able to speak, beg'd to be released, he complained of being very sick; but Mr. Gerrard told the Jury *it was his Artifice to escape out of their hands.* At three of the Clock in the afternoon the Commissioners adjourned their Court; But Mr. Roberts was seized by Mr. Jeffery, and Samuell John and some of the Jurymen, and by them drag'd to a Tavern without giving him a Moment's respite; No entreaties no Tears of Mr. Roberts could move their compassion.

After Some hours (about 7 Clock in the Evening) Mr. Roberts found an opportunity, and escaped from the Tavern, got into his Coach, which waited for him at the Tavern door and

drove away, but he was quickly perfued by Mr. Jeffery, Mr. Samuel John and some Jurymen, who Stopt his Coach, draged him out, and trailed him back with a great Mob at their Heels the length of a whole Street, to the Tavern, there from a Chamber they carried him into a Balcony, and exposed him to the Populace with his Wig turned, and Wine thrown in his Face. Such terrible sufferings would have broke the best Spirits and strongest Constitution, and yet this cruel Farce was repeated Three days successively, till Mr. Roberts was seized with a Feavor, the Violence of which had near ended his Life. The Physicians thought proper to advertise the Commissioners and Jurymen of his *danger* &c. All these Facts are sworn by Gentlemen of unblemished Characters, of unquestionable Honour, upon their own View and knowledge of these transactions; and their Affidavits are filed in the Chancery Office.

You may wonder that the People in general should be so incensed against Mr. Roberts, and how they could be induced to favour such barbarous Proceedings. The Mystery of this Iniquity must be explained.

The

The low Attorneys, and petty fogging Practi-  
ciers of Law are in all Parts of Europe the Pest  
and Plague of Mankind: But much more so in  
some Counties in England, where there are very  
great numbers of em starving one another and  
as hungry as Wolves. These often associate, and  
become underactors, to carry a great and profit-  
able Cause.

The Prosecutors of Mr. Roberts gave Profusely  
very large sums of money. Mr. Goostrey had  
engaged hundreds of these Gentry, who were  
employed (and acted with uncommon diligence)  
to prejudice all ranks of men in all Parts of the  
County against Mr. Roberts. They represented  
Mr. Roberts as the greatest of Idiots; and Dr.  
Finney as having got conveyances from him of  
all his Estates and that he cheated him of vast  
sums of Money, that the Dr. thereby was become  
a proud Parson and ought to be humbled;  
That the Prosecutors were Mr. Roberts Relations  
and ought to have his Estates. Incredible Im-  
pressions were made upon all Sorts of People by  
these and the like evil and false suggestions, and  
upon men whose Education and experience  
should have guarded'em against such Impositions,  
and Prevented their being made the Tools of

other mens Profit and Passions; for not one of'em knew Mr. Roberts or Dr. Finney; And every Person of all Ranks who did know'em, offered their assistance by giving Evidence in their Favour. Money was privately given; and the Populace thereby was so inflamed, that no Man, who was known to be a well wisher to Mr. Roberts, durst appear in the Streets of Exeter. Many Gentlemen of Distinction particularly Dr. Holmes Dean of Exeter &c. were greatly insulted which Insults so discouraged Thomas Balle Esqr. their late Representative in Parliament and others that Mr. Roberts for that time lost the Benefit of their Evidence.

On the Saturday Sept. 3. 1743. the Commission was closed, and the Jury gave a Verdict viz. *Henry Roberts Esqr. is a Person of unsound Mind and hath not enjoyed an Interval of Reason for 12 Years, i. e. from the day his Sister married.*

We are not to forgett the Arrogance of Mr. Thomas Gerrard; who not content with assuming to himself the power of altering the Laws of England, and making new ones, Acted with the most open and scandalous Partiality; for he shamefully abused those worthy old Gentlemen

Mr.

Mr. Serjeant Belfield, Mr. Cove and Many others; and would not suffer them to give their Evidence for Mr. Roberts. Jeffery joined him in baffeling all Mr. Roberts Wittnesses with these Questions: *Do you think Mr. Roberts may not be imposed upon? Is he capable of managing his Affairs?* All the witnesses answer'd *they believed him capable of Managing his Affairs with the ordinary and common Helps:* But they were told, *that would not do,* and their Evidence was rejected. And if the Wittnesses offered to give Evidence of Mr. Roberts *Sanity* they were told that was not the *Question.*

Permit me here to make one Remark. It hath been said that 12 Attorneys were employed in Devonshire by the Prosecutors upon the first issuing of this Commission. These Men are a sort of Brokers, whose chief Business is, to procure Money upon Mortgages, and being thereby privy to the Secrets of many necessitous Familys bear an *absolute Sway* and almost Command them; Especially the Extravagant part, so that too many may be truly said to be incapable of managing their Affairs without *Assistance*, and should a Commission issue against those very Gentlemen, who condemned Mr. Roberts, we should see

Many of em *Arte perire sua* and much more deservedly whip'd with *their own Rod.*

It is not to be supposed that Mr. Roberts would submit to this sentence of the Jury: He presented a Petition to the Lord Chancellor complaining of his most injurious and cruell Treatment, and supported his Petition with a great Number of Affidavits. He appeared personally in the Court of Chancery Nov. 9th 1743. and submitted to open and publick examination by the Chancellor in Court. He produced his accounts of the neat Income of his Estates, and his annuall Expences, which shewed Oeconomy, and that he had saved Moneys out of the Income of his Estate.

He complained of Mrs. Pyke the chief Prosecutor that she had received very large sums of Money from his Estate during his Minority and refused to Account; that he had not received one Shilling of the Profits of his Barbados Estates, which was in her Hand unaccounted for 18 Years. Hereupon the Lord Cancellor declared that *had his understanding been known no Commission should have issued*, but that by the Forms of Law he could not be otherwise relieved from the Verdict but by a Traverse or Revision, which was accordingly granted him. This

This Revision or Traverse was excellent and must have saved *his Life* but that he was forced again to experience the *Mercy* of Devonshire Jurymen. The remembrance of the former ill Treatment he received, and apprehensions of the like again, threw Mr. Roberts into a violent Fear a second time in which he was attended by *Doctor Mead* and other *Physicians*, as it appears by their Affidavits.

This Sickness of Mr. Roberts was a favourable Incident to the Prosecutors: For Mr. Goostrey brought on the Tryal of the Traverse March 1744. at Exeter before Mr. Baron Reynolds, in the Absence of Mr. Roberts, the same Sheriff, Polluxfen, who packed the first Jury acting again then occasionally, *so that Mr. Roberts Fears were but too well grounded.* These Jurymen by their indecent Behaviour, and Speeches, publicly declared they would find him a Lunatick at all events. They were so glaringly abandoned, that Mr. Roberts Counsell threw up their Briefs, and refused to try the Cause before them; so there was no Defence made and the unfortunate young Man was once more returned a Lunatick.

You are not to imagine that the whole Country

ty of Devon had sold themselves to Goostrey, no very many Gentlemen of the best Fortunes and Figure in the Country secretly grieved and openly expressed their Indignation at these Partial and wicked Proceedings: These Gentlemen made severall Affidavits in Form and Sent them up to the Courts in Westminster-Hall informing 'em that they believed it impossible that Mr. Roberts should have a fair and impartial Tryall by a Devonshire Jury. For they had been Eye Witnesses to the incredible Prejudices raised by the Prosecutors *Army* of Attorneys in that County; they knew every Gentlemans *Name* as upon the former Jurys who ever had the least acquaintance with Mr. Roberts or any knowledge of him, would be struck off the Jury by Goostrey, and Gentlemen of Fortune would be indifferent and not attend, and that the lower Gentry, young Men and Those most susceptible of Prejudices, easily fired and believing malicious Storys, would be left to compose the Jury, which accordingly happened.

Upon full Proof of the Behaviour of this Jury by Affidavits, Mr. Roberts obtained the Benefit of another Tryal, but being cloyd with Forms of Law he could never get clear of a Devonshire Jury;

Jury; His Life and Fortunes were to be at their Discretion. This new Tryal was granted Mr. Roberts June 1744, and the day appointed for it was October 27th following. Now all the former *Jurymen turn Solicitors* against Mr. Roberts Interest and applications are made to these new Jurymen, with Industry equal to the Spirit of a party Election: *A Practice but too much used in that County.*

One should have imagined that Mr. Roberts would have been allowed some small Respite and time to breath during those few months; But that was not the intention of the Prosecutors. They very well knew they had no Evidence against him, and hoped by watching him for a space of time to find in an unguarded Hour some what wherewith to charge him.

They petitioned the Lord Chancellor for a Commission *extraordinary*, to Visit and examine Mr. Roberts, to enter his House, and inspect his Person for those four Months. This *Extraordinary* Commission was granted, Four persons named by the Prosecutors were appointed viz. *William Swinburn Esqr. of Grays Inn, Mr. Selwin, Mr. George Newport and Mr. Fowler an Apothecary*

cary of Newgate Market; to them were associated four Gentlemen named by Mr. Roberts viz. Dr. Bearcroft Preacher of the Charter-house and Chaplain to the King, *Slingsby Bethell* Esqr. Member in Parliament for the City of London. Mr. *Henderson* Receiver of the first fruits and tenths, and Mr. *Thomas Tryan*.

At the first Visit these Eight Gentlemen paid Mr. Roberts, it appeared how necessary the Precaution was of adding the last four Gentlemen to the first four named by the Prosecutors. For Mr. Swinburn attack'd Mr. Roberts without Ceremony in a harsh Tone, and with great Haughtines, as if he had been appointed to examine a Criminal. The other Gentlemen who knew Mr. Roberts disposition, his Modesty, and tender Spirits entreated Mr. Swinburn to use him with mildness, and to forbear his insnaring Questions and to suffer Mr. Roberts to Convince'em that he was capable of conversing rationally. But this did not answer Mr. Swinburns Intentions. He pretended he was interrupted, and said Mr. *Roberts had learn'd to give ready answers to Questions by the Signs and Winks of others*; and besides there was present in the Room a *Notary* who took minutes of what passed, which not being

to his Gout he would not allow. Mr. Roberts Friends thought this Precaution also necessary to bind them to the Truth, and that they were not mistaken will presently be seen.

The day after this Visit Mr. Swinburn and Fowler made an Affidavit stuffed with Complaints of their being interrupted, and other *strange things*, but this Complaint to the Chancellor upon their Oaths, was in every Article contradicted by the Oaths of Mr. Bethel, Mr. Henderfon and Mr. Tryan the day following. *See Petty-Bag: Office.*

About this time an Incident alarmed the Prosecutors, for already they had devoured the Fortune of Mr. Roberts in Imagination. We before mentioned that Mr. Roberts Attorney, John Ley of Exeter, had Mr. Roberts Letters and Papers in his hands, this Man sold these Papers to Goostry. Amongst the Letters was found one intimating his Intention to Marry. This Letter was exhibited in the Court, and thereupon the Lord Chancellor made an *order that Mr. Roberts should not Marry*. By what Law was this done? and more Questions of like Nature might be asked: but I hasten to divert the Reader with the Manner of Mr. Roberts Examination, with a genuine  
Spe:

Specimen of some pleasant Questions put to him by his ingenious Examiners and his answers to those Questions, *as recorded upon Oath*, upon this very extraordinary Commission, from June 1744, to the 26 of Octobr. following.

*Mr. Swinburn* said to *Mr. Roberts*: Sir, you told me you intended to go this summer to *Scarborough*. Why dont you go?

*Mr. Roberts*. I did intend it Sir, but I have no money. All my Money is spent in Law.

*Mr. Swinburn*. You say you love Country-diversions. When you are in the Country how do you divert your self?

*Mr. Roberts*. I shoot, I hunt & set Partridges.

*Mr. Swinburn*. What would you do at *Scarborough*? there are no Partridges.

*Mr. Roberts*. There may be no Partridges, but there are fine Ladies, and in my Opinion, they are the prettiest Partridges.

*Mr. Swinburn*. You say then you'll go to *Scarborough* to see pretty Ladies. Pray are there no pretty Ladies here in London.

*Mr. Roberts*. Yes, a great many.

*Mr. Swinburn*. Come Sir, who d'ye like best?

*Mr. Roberts*. I like the L-d Ch-lor's Daughter.

*Mr.*

*Mr. Swinburn.* You like my L-d Ch--lor's Daughter, she's a jolly Girl, what wou'd you do with her.

*Mr. Roberts.* I wou'd - - - - -

*Mr. Swinburn.* From *Doncaster* Sir, to *Ferry-Bridge* was ten miles, but now there are fifteen mile-Posts set up, Is it not further now than before? To these and many Other like Questions, *Mr. Roberts* laughing gave pertinent Answers.

*Mr. Swinburn.* Pray take three Shillings out of a Guinea, how much change must you have?

*Mr. Roberts.* Eighteen Shillings.

Here *Mr. Swinburn* and *Mr. Newport* threw out money of different Coin, which *Mr. Roberts* counted and computed exactly and true.

*Mr. Geo. Newport.* Let me now ask a Question. Pray how many Pots of Sugar did your Plantation in *Barbadoes* yield you last year?

*Mr. Roberts.* I have forgot. I cannot tell.

*Mr. Newport.* Pray how many Pots of Sugar go to fill a hog's head?

*Mr. Roberts.* I can't tell.

*Mr. Newport.* Is this man capable of managing his affairs? It's plain he may be imposed upon, and my L-d Ch--lor said if a man could be imposed upon, he was an Object of the Care of the Court of Chancery.

*Mr. Slingsby Bethel.* I have a Sugar-Plantation my self, and cannot answer these questions, and will the Lord Ch-r order a Commission against me?

*Mr. Tho. Tryan.* Pray Sir, suppose the Spaniards should take your Sugars, what would you do then?

*Mr. Roberts.* I insure my Sugars.

*Mr. Tryan.* What do you pay for Insurance.

*Mr. Roberts.* I leave that to my Merchant  
*Mr. Edwin Somers.*

Here the Gentlemen said, There's much Talk about *Mr. Roberts's* writing Letters only from Copies. Pray now write him Letters your selves, and see his answers. *Mr. Roberts,* You will I know write answers to their Letters.

*Mr. Roberts.* I will. I can write my own Letters.

*Mr. Swinburn, Mr. Newport, Mr. Selwyn* and *Mr. Fowler* declared they would make no such Tryal of him.

Some Questions were then put to *Mr. Roberts* about the Settlement he made of his Plantation upon his Sister and Brother in Law, whereupon he gave his reasons for making that Settlement and told them he did it of Regard to his Sister and said at the same time very hard Things of the Prosecutors.

At the last visit Dr. *Bearcroft* said: " Gentle-  
 " men, as we are to give our Evidence upon  
 " Oath in a Court of Justice, I hope our Senti-  
 " ments concerning Mr. Roberts are the same:  
 " You see he knows the value of money: He  
 " understands Arithmetick, and has given you  
 " sensible Answers to your Questions, and *sure-*  
 " *ly he is not Lunatick.* „ To which Mr. Selwin  
 replied, 't is true; God forbid we should affirm  
 him Lunatick. But Mr. Swinburn said: " *he is*  
 " *not capable of managing his large fortune.* „  
 The Question was then asked, " *by what Law*  
 " *will you deprive him of it?* „ To this Mr.  
 Swinburn replied, " *a middle-way will be found*  
 " *out to do his business to morrow.* „

On the 27th 8br. Mr. Roberts was brought to  
 his Trial in Westminster-Hall, where Witnesses  
 of low degree were called and examined, who  
 swore they had seen him shoot with a bow and  
 arrow, and that when he was about 13 Years old,  
 they had seen him blow feathers; others swore  
 they had seen him toss up his hat, and catch it  
 with his hands, and that he used to kick about  
 pebble-stones.

Dean Lynches Sister Mrs. Fox swore to some

trifling Action when he was about 14 Years old, but Mr. Roberts got up, and accused her of Perjury in open Court. Whereupon the Chief Justice said to Mr. Roberts: Sr. this is a heavy Charge, pray define Perjury and tell me what you understand by Perjury. Mr. Roberts thereupon explained his Notion of Perjury sensibly and clearly and Mrs. Fox was turned out of the Court. Upon which Sr. William Morrice the Foreman of the Jury, said to Mr. Roberts's: Attorney, *Pierce*, keep out of his sight, we have been told, he knows how to make proper Remarks by signs and winks.

*These Words deserve Notice.* Pertinent, ready and sensible Answers to Questions sudden and unexpected could not be given by an Idiot, therefore they suggested and would have it supposed that Mr. Roberts had been taught by his Friends to comprehend their Thoughts by *Signs* and by the *Winks* of their Eyes, and so they would deny a Man the use of his Reason and yet allow him most uncommon sagacity.

It might have been very happy for Sr. Will. Morrice had he been blessed with this Sagacity himself. It might have saved his Honour: It might

might have saved the Life of his beautifull *Lady*, who ought not to have been treated with *Indifference* and drove to a *miserable End*: It might probably have been usefull to him on many important Occasions of his Life, *which we have to tell him.*

Such Absurditys and Contradictions were admitted in *this Farce*, that all impartial Beholders thought Mr. Roberts in his Senses; Whatsoever their Opinion was of his Tryers. Mr. Polluxfen swore that being Sherif on the Commission, he had examined Mr. Roberts with the Jury and had then asked him, *where the Soul goes when seperated from the Body?* and that Mr. Roberts could not tell him, whereupon he *thought him a Fool.*

Several of the former Jurymen who had asked Mr. Roberts, by way of examining him, *who was Adams Father*, and *who Eves Mother*, deposed they thought him a *Weak and Silly young Man.* All those who gave Evidence against Mr. Roberts were asked: *if they thought Mr. Roberts a Lunatick, or had ever observed any Symptom's of Lunacy in him.* They all answered: *God forbid they should affirm any such thing of him.* Here you have the full and whole Evidence that was ever

given against Mr. Roberts upon the strictest Examination of his Life, conduct and Actions.

When the Counsel withdrew to their Dinners about 3 o' Clock in the Afternoon, and whilst the Jurymen were eating in Court, some certain Agents of the Prosecutors well known were overheard to tell some of the Jurymen he behaves too well in Court *take him out, take him out, or we shall have no Verdict.*

About 7 o' Clock the Jurymen insisted upon Examining Mr. Roberts in private, and were opposed by Mr. Roberts Counsel: But the Chief-Justice got up and desired Mr. Roberts to go out with the Jury. Here *the supposed Idiot or Lunatick* beg to be excused *alleging the former ill usage he had met with from Jurymen at Exeter.* The Chief Justice told him the Jury were Men of Honour; And would behave towards him as such; to which Mr. Roberts replied, *if one of your Lordships will go out with me I consent to go.* Which the Judges refused. Mr. Roberts was forced out of Court by the Jurymen: His spirits were then sunk with 12 hours Fatigue and he was half a sleep when they took him into a private Room upon Pretence of examining him.

The

The Jurymen were shut up with Mr. Roberts about half an hour and returning to the Court were asked *Lunatick* or *not Lunatick*. The *Foreman* of the Jury replied he is neither Lunatick nor Idiot, and this was unanimously said by all and every Jurymen.

But this *Verdict* being verbal and not delivered in writing, the Clerk of the Crown, Mr. Masterman (who was retained Notwithstanding by Goostrey and acted as Clerk in Court for the Prosecutors) said to the Jury: *I suppose Gentlemen you intend to confirm the former Verdict. Is Mr. Roberts capable of Managing his Affairs?*

The Jury then asked the Court: *What it was they were to try?*

The Chief-Justice replied to them: *By the Order, of My Lord Chancellor You are to try the Capacity of Mr. Roberts.*

Observe, they had been Examining Witness's and hearing Counsel from nine of the Clock in the Morning Octobr. 27. to three of the Clock the next Morning and none of them knew the *Point* they were trying or *what they were about.*

Being ordered to steer without the *Compass* of *Law*, they left, it in their Confusion, to Mr. Masterman (all the Counsel being gone home to their beds) to dress up a *Verdict* to please the Prosecutors. Viz: *that Henry Roberts Esqr. is a Person of unsound Mind and Hath not enjoy'd a Lucid Interval of Reason for 12 Years past.*

This Iniquity wears no disguise, we see in it clearly the crafty and wicked Influence of the Prosecutors of Mr. Roberts throughout. Why was he to be reported a Lunatick for 12 Years back, viz: from the Day of his Sisters Marriage, but to invalidate any Act he might have done in Favour of his Brother in Law? And again why, but to give the Prosecutors content in another more important Point?. They had indeed been favoured by the Chancellor with an Injunction upon Mr. Roberts not to Marry, yet it was not impossible he might have been Married and have a Child, this Verdict must be so worded as to bastardise any Child or Children he might have had if before Married, as well as to prevent his having a Child for the time to come: *For by an Act of Parliament made some few Years ago the Marriage of Lunatick's, is null and void.*

By the Report of the Jurymen themselves Mr. Roberts was not within this Act of Parliament, for they unanimously declared Mr. Roberts to be neither *Lunatick* nor *Idiot*, and consequently he ought to have been left at Liberty to marry: But then how would this answer the Ends of the Prosecutors and secure to them Mr. Roberts Estates? No! therefore the Jurymen were to be amused with a new Matter, and to be told they were to try *Capacity*; upon this the Jury report Mr. Roberts to be a weak Man: But that would not do neither. Then the Jury were asked, cant you say unsound? Unsound and weak is the same, Gentlemen, says Mr. Masterman, you may do his Business Effectually in Law, come, come, I'll put him down of *unsound Mind*.

So Jurymen, who are sworn to try, to examine and to inform the Chancellors Conscience truly, are inveigled and artfully mislead from the Object of their enquiry, to perjure themselves, and to report a Man to the Court of Chancery a *Lunatick*, whom in the very same Breath they declare to be neither *Lunatick* nor *Idiot*.

After all Witness's had been examined and the

Counsel had done pleading and were retired, ought a new Matter, foreign to their Commission, to be proposed to the Jury whereupon to determine not only Mr. Roberts Liberty and Estate; but the Rights of other Person's submitted to their Determination on this Tryal? And who upon a Supposition that Mr. Roberts would have had a Legal Tryal, had consented to be bound by this Verdict.

Upon a Suggestion of Lunacy the Lord Chancellor grants a Commission against Mr. Roberts; the Truth of this Imputation was what the Court wanted precisely to know; the Jury upon Examination unanimously Acknowledge that Mr. Roberts is no *Lunatick*, and Notwithstanding a *Verdict* is contrived and so worded to impose upon the Court of Chancery by representing him a *Lunatick without a lucid Interval for 12 Years*. Ought a Verdict, so obtained, to remain valid in Law? Would not all Proceedings upon a Verdict avowedly false be annulled and made void by every Tribunal upon Earth as an unfit Precedent to be left upon *Record*. No civilised Nation under Heaven would give Countenance to apparent Violation and Breach of its Laws, and suffer the Fruits of absurd and barefaced Perjury

to remain a tempting Bait to invite More such Practices.

Great Numbers of Gentlemen of well known Honour and Probity were then Attending in Westminster-Hall, to give their Evidence in Favour of Mr. Roberts Sanity and Capacity upon their personal Knowledge of him and their long Acquaintance with him and to that very Day: But the Jurymen were too much *beated* to Regard any Evidence at all? Mr. Roberts Counsel Notwithstanding insisted upon Examining their witness's, and accordingly Dr. Mead, Dr. Nichols, Dr. Bearcroft, Chaplain to the King, Dr. Regis, Chaplain to the King, Slingsby Bethel, Esqr. Member in Parliament for the City of London, Mr. Tho. Tryan, Mr. Edwin Sommers, Mr. Ireland Merch'ts of London, Tho. Henderson Esqr. Receiver of the First Fruits and Tenths, and four or five other Gentlemen were sworn and examined, all these afore named Gentlemen deposed that they well knew Mr. Roberts to be a sober rational Man, that he had Understanding and Capacity, and that they had made frequent Tryal's of him by putting him to write Letters, and to do other Acts of Business in their Presence. Many other Gentlemen who were there present with

with Intent also to give the same Testimony of Mr. Roberts, seeing such *resolute Partiality* went off without giving their Evidence.

When the Verdict was pronounced against Mr. Roberts by Mr. Masterman, Clerk of the Crown, Sr. John Rogers and one other Jurymen spoke with a loud Voice: *He is not a Person of unsound Mind, He is not of unsound Mind;* But Sr. William Morrice and the other Jurymen cried out: *Confirm the Verdict, confirm the Verdict.* NB. It was then three o' Clock in the Morning.

We must here again Mention some particulars of Counsellor Jeffery's Conduct. toward's Mr. Roberts.

John Ley the Attorney of Exeter had the Assurance, thinking Mr. Roberts so weak as not to remark his former Treachery to make him fresh Proposals upon his second Tryal at Exeter, which Mr. Roberts rejected. Upon this both Ley and Jeffery greatly exasperated became Mr. Roberts open and avowed Enemies. They associated themselves with the Sheriff Polluxfen and travelled the County of Devon to inflame the Country against the unfortunate young Gentleman, they  
used

used all Endeavours to Influence and to Prejudice all Especially those who were to be on his Jury. And Jeffery took Fees from the Prosecutors and acted openly as their Counsel against a Client, who had trusted him with his Reputation and Fortune, and who had largely rewarded him with Fees.

Let us recollect the Measures concerted and the Method's used to gain the third Sentence and Verdict against Mr. Roberts.

The first Verdict was given against him August 1743. at Exeter. The scandalous Partiality and Prevarication of the Commissioners and Jury; and the Cruelty's exercised upon Mr. Roberts Person on this Commission, gave him the Occasion of Appearing personally in the Court of Chancery, when upon his Examination the Chancellor declared: *That no Commission should have issued against him had his Understanding been known*; and then granted him a Traverse or Revision, but by a Devonshire Jury.

In March 1744. the Prosecutors took Advantage of Mr. Roberts Illness, and got another Verdict against him.

Upon

Upon Affidavits of the open Prostitution of the Jurymen on this second Tryal, a third Tryal was granted by the Court of Kings Bench. In October following, but he never Could get clear of a Devonshire Jury, and was hounded and followed by them till they finally condemned him.

It is hardly to be expressed what Arts were used, how many Emisarys were employed, what Interest was made to the Jurymen, the Sums of Money dispersed, the many Letters wrote to the Jurymen, to gain this Verdict.

The Contents of one of these Letters we will give the Publick. Mr. John Yard of Churston was named a Jurymen. This *good Man* in his Cups was drawn into the Intrigue, afterward's he *relented*, but being easily seduced a Letter was sent to him to acquaint him that unless he attended upon the Jury the Prosecutors would lose the Estates &c. Mr. Yard upon receiving this Letter did set out Post for London and arrived at the Feathers Tavern in the Strand the Night before the Tryal came on in Westminster-Hall. At this Tavern Mr. Yard found assembled the Jurymen, Mr. Polluxfen, the Prosecutors Attorney's, and Witness's concerting Measures how to  
destroy

destroy their innocent *Victim* the next Day. It was there resolved to take Mr. Roberts out of the Court that the Reason's of their intended Verdict might not be known to the World.

This Sentence passed upon Mr. Roberts the 30 of Octobr. and Novembr. the 1. 1744. his Estate and all his Effects were seized by the Prosecutors.

The day following the Trial, Mr. *Roberts* waited upon Dr. *Mead*, Dr. *Monroe*, Dr. *Nichols*, and other Gentlemen, who said to him. " Sir, " when you was taken out of the Court of " King's-bench, and was in private with the Jurymen, what Questions did they ask you? " How did they use you? „ To this Mr. *Roberts* replied: " They came around me and asked their Questions together, without giving " me time to answer. They asked me what a " *Lamb* and what a *Calf* was called at one, two " and three years old. They gave me a sum " of money to tell, which I miscounted; & " then I heard them say, he is not capable of " managing his Affairs, we will return him incapable.

Dr.

Dr. *Monroe* said to Mr. *Roberts*: “ whilst you  
 “ have your Liberty, and if you are not directly  
 “ taken into Custody, will you apply your self  
 “ and be instructed if a Mathematical Master  
 “ should attend you? „ To this Mr. *Roberts*  
 said, it was what he desired, and he was attended by  
 a master who taught him to demonstrate several  
 Propositions in Euclid. Dr. *Monroe* farther desi-  
 red Mr. *Roberts* to attend him and Mr. *Markham*  
 twice a week, which he accordingly did, and at  
 several times was put by them to write in their  
 presence Letters of Business, and Answers to Que-  
 stions, &c. Which Papers of Mr. *Roberts* very  
 sensibly wrote, are now in the custody of Dr.  
*Monroe* and Mr. *Markham*, and likewise in the  
 hands of Dr. *Nichols* and Dr. John Andrews, and  
 other Gentlemen who made the like trial.

We must add to these convincing and decisive  
 Proofs the Affidavits in support of Mr. *Roberts's*  
 Capacity, his modest, handsome and consistent  
 Behaviour in Company, made by Gentlemen of  
 Rank, both in Church and State, as well as by  
 eminent Merchants of London, who had often  
 transacted business with him, seen him write  
 Letters, and pay and receive money, for which  
 he gave proper Discharges. Several Masters who  
 taught

taught him Mathematicks, French, Musick, Accounts &c. concurr'd in giving the same Testimony, as well as his Tradesmen.

I have already said that Mr. Roberts Estates and Effects were all seized by Mrs. Pyke and Sr. Step. Anderson in Virtue of the *Verdict* the day following his Tryal, Novembr. 1st 1744. These Engrossers of his Patrimony had so little Humanity and Compassion, that they left him from that time *the full space of five Months*, to be maintained by the Charity of his Friends and Relations or to starve, for they never saw him, nor sent to him, nor suffered him to receive one Shilling of his Money for his support.

They were not content with reducing a Man of his Family and Fortune to this deplorable Condition; but they contrived to secure to themselves his Person likewise, this was Effected by inviting the Dean of Canterbury, to petition the Court for *the Custody*. A Man no way related to Mr. Roberts and long an avowed Enemy to his family. This Beneficer who never did a disinterested act or thought it a Virtue, and who by raking Advantage of an old Man deprived of

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his senses and by *Intrigues*, possesses Numberless Church Livings, Hospitals, Sinecures, Prebends and Dignitys in the *Church* of various Denominations, to the Yearly amount of many thousand pounds Sterling, was a *fit Person* for this undertaking and for the further views of the Prosecutors. As long as Mr. Roberts lived they did not think themselves secure of the Possessions. Mr. Dean served them well. He employd the full Force of his Interest in opposition to all Mr. Roberts Relations, who remonstrated, and presented *ten Petitions against him.* See *Pett. Bag Off. Affidavits.*

Mr. Roberts himself beg'd not to be delivered over to that Mans discretion, as if by *a kind of Instinct*, he had foreseen his *miserable End.*

Mr. Roberts thus despoiled of his Patrimony went into the Court of Chancery, and threw himself at the Chancellors Feet. And entreated him earnestly for *time* to improve himself in Business and the Knowledge of the World, and to repair the opportunitys he had lost by means of his bad Health. He presented to the Court  
repeated

repeated Affidavits of Dr. Monroe, Dr. Nichols, Mr. Markham and of many other Gentlemen, of the Masters who then instructed him in Arithmetick, and the Mathematicks in favour of his *Sanity and Capacity.*

The poor young Mans Request was denied him, and the Lord Chancellor asked why this Evidence had not been given at his Tryal?

The Truth is, this Evidence and much more was given in the Kings-Bench at his Tryal, but the Jury had been too strongly prejudiced, and came out of Devonshire with a determined Resolution not to *listen.*

Mr. Roberts Petition at this time was not for his Estate or the Income of it, he only desired his Liberty, to remain in London for the Benefit of Instruction from the several Masters who attended him, and not to be delivered over to his Prosecutors, who waited only to dispatch him.

Mr. Dean Lynch obtained the Custody of Mr. Roberts Person with an allowance from the Court

of 400 per Annum without account and 30 Lib. Sterl. for Cloaths.

Mr. Dean took some time upon this *Success* of his *Petition* to treat first with one Man, and then with another, in order to make the Most Money of this Guardianship, by a *Transfer*. So Mr. Roberts was suffered to remain a few Weeks in London at Liberty, during which time Mr. Dean Wrote Mr. Roberts Letters and received his Answers and acted with him as a rational Man; and now he had his Person sure in his power, he forgot he had sworn *that he believed him an Idiot*. These Letters of Mr. Dean are still preserved.

Dr. Monroe, Mr. Markham and many other Gentlemen continued to receive Visits from Mr. Roberts and consequently could not avoid hearing his Complaints. They told him one Day if he would write My Lord Chancellor a Letter they would take care it should be delivered. Accordingly he instantly wrote the following Letter in their Presence.

Mr. Roberts Original Letter to the Lord Chancellor, viz.

My

*My Lord.*

“ If you knew, how I have been abused, and  
 “ what I suffer, you would have compassion  
 “ for me. They have taken away my Estate,  
 “ and give me no money to keep myself and  
 “ servants. What my relations and friends  
 “ give me is all I live upon. I dont know Sr.  
 “ *Stephen Anderson*, or Mrs. *Pyke*. They ne-  
 “ ver come near me, I have been guilty of no  
 “ crime. I have had bad health till lately,  
 “ and have not applyed my self to business or  
 “ been abroad in the world to be as wise as  
 “ some men are, but I do apply my self, and  
 “ have several masters to teach me. I hope  
 “ your Lordship will give me time to im-  
 “ prove my self and not let Dean *Lynch* take  
 “ me away from my friends. If you give me  
 “ up to him, I shall not live three months,  
 “ they have got my estate, and would take  
 “ away my life to keep it, pray My Lord  
 “ have pity on

March 1745.

HENRY ROBERTS.

*To the Lord Chancellor.*

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Dr.

Dr. Monroe and Mr. Markham, made Oath that this Letter was wrote in their Presence by Mr. Roberts without any Assistance, previous Instruction or Intimation whatsoever, and have attested it by subscribing their names to the Original Letter.

Many other Affidavits in favour of Mr. Roberts were at that time ready with Design to support a *Petition* presented by his Relations to the Lord Chancellor for his Relief (the Month of March 1745 was now far advanced,) but this Intention of theirs got air, and Mr. Dean Lynch, to whom the Custody of Mr. Roberts was granted, to defeat this *Petition* sent Mr. Goostrey with some of the Prosecutors Servants and seized Mr. Roberts Person and Conveyed him directly to Canterbury 26 of March 1745. Mr. Dean Lynch who had an allowance from the Court of more than four hundred pounds a Year for Mr. Roberts Maintenance, (a small Portion out of 3000 per Annum) had bargained with one Mr. Lighthouse to take Mr. Roberts and all expence and Trouble off his hands for 70 per Annum, and to maintain him for that Sum. It was to the house of this

*honest*

*honest Goaler* that Goostrey conveyed Mr. Roberts.

Mr. Roberts Coach, horses and Servants were all, taken from him: He begd that an old Servant who had many Years attended his Person, might be with him but this favour also was denied. He was shut up in a small close room, two pair of stairs; and one Charles Hill a Fellow infamous was put to attend him, who never could get a Character from Mr. Dillingham the Apothecary of Red-Lion-Square whom he had served, or from any other Master with whom he had lived. Mr. Roberts's own servants; approved for their Honesty and who loved their Master, were turned off. *The Prosecutors knew Charles Hill was more fit for their designs.*

Mr. Roberts complained of this cruel Treatment, but to no purpose. Mr. Dean Lynches Apology was, *It is Mrs. Pyke's Order that Charles Hill and no other servant shall be with him. I have great Expectations from her and must not disoblige her.*

Mr. Roberts was strictly guarded in his Narrow Goal, yet he found Means to convey a Letter to his Relations full of bitter Complaints of ill usage. *But it was not in their power to help him.*

If Mr. Roberts complained of ill usage, (for Hill or Lighthouse were never absent from him at one time,) an Outcry was heard in the street at Night and Mr. Roberts was seen with Tears in his Eyes in the Morning; when he spoke of the *bad Wine* and *Coarse Meat* where with he was served and of the *Scanty allowance* of it. The excuse of Mr. Lighthouse was *I can afford him no better for the small Sum I receive from Mr. Dean.*

Very many Persons paid Mr. Roberts Visits under his confinement; and it pleased God, that they were suffer'd so to do. Their *Curiosity* led them to see and observe whether he was really distracted and Mad or not. Mr. Roberts naturally of an affable and sweet disposition received all his Visitors, I may say, *politely* for there was no Rudeness in his Behaviour or Indecency in his discourse, and what most sur-  
pri-

prised'em all was, that he said what was proper and well adapted to each Persons Condition and Station; There are few in the Eastern parts of Kent of any Rank, who know not the Truth of this, and we are told they do the young Gentleman Justice, and in general speak of his sober, decent and sensible discourse and behaviour; for all had access to him, None but his Relations were excluded.

His Relations wrote him a Letter to exhort him to Patience; and to support his Spirits; flattering him with the hopes of Liberty, and a speedy deliverance. As his Words and Actions were become the general Topick of Discourse in all Companys in and about Canterbury; and every body observed, as I said before, his decent and sensible Behaviour at all times, it was hoped the Honesty of some one or other might move him to do the poor young Gentleman Justice and help him to regain his Liberty and Estate and to *continue his Family.*

It is feared this Letter fell into the hands of the Prosecutors; for Mr. Goostrey made a journey to Canterbury about this time; and was observed

served some days to be frequently in close Conference with Charles Hill. Soon after Goostreys Departure, Mr. Roberts was seized with a Violent *Hickup*, July 10, 1745. He never before had any Symptome of this strange Malady. The Physician Lynch Brother to the Dean was the only Person called; who without consulting any other Physician, prescribed a Vomit; that not succeeding he forced upon him a second Vomit, which quickly operated, and Convulsions and Death immediately ensued. Thus Died the last Heir of a very antient Family, greatly esteemed for Many Generations.

One Circumstance is very remarkable, the Day Mr. Roberts Died there happened Thunder and Lightening, which, they report, occasioned his death; In more superstitious Ages this accident would have been looked upon as a Token of Divine Vengeance and a Mark of the Anger of Heaven against them, for their wicked Proceedings; but I believe as Mr. Roberts had seen Lightening, and heard Thunder for 28 Years, this Lightening of July 10, 1745 would not have proved Mortal to him without the help of the two Vomitts, or, \* \* \* \* \*

*Post-*

*Postscript by the Translator.*

*Upon the Deash of Mr. Roberts, Mrs. Sarah Pyke, Widow; possessed herself of Mr. Roberts Essex, Cambridge and Suffolk Estates value 40000 Pound Sterling, as Heir general to Sr. Henry Bendysb. — See Case of Henry Roberts, Esqr. 3. Edit. and Factum of Malines. See Student of Leydens Reply to Radcliff. See Answer to Radcliff by a Mercht of Rotterdam.*

*See also Sr. Stephen Anderfons Tittle to Mr. Roberts Estate in Barbados, and by what Means he possesses that Estate.*

*See by what Contrivance and Arts Mr. Dean of Canterbury, and others Possessed themselves of the Estate in Kent held by Lease from the Arch-Bishop upon the Death of Mr. Roberts, of considerable Value.*

*If*

*If it be true that Mr. Dean guided the old Arch-Bishops hand, to execute a Lease of that Estate in the Year 1733, to himself in Trust and for the sole Use of Mr. Roberts and Dr. Finney jointly, and did at the same time execute a Counterpart of that Lease thereby accepting the said Trust; And 12 Years after upon the Death of Mr. Roberts Mr. Dean did produce another Deed, pretended to be prior to that of 1733, and declared himself a Trustee of this Lease then for Sr. Stephen Andersons Family, in prejudice to Dr. Finney, if by Mr. Deans superior Interest and upon his Oath barely that he had such a Deed of Trust in Favour of the Andersons without Dr. Finneys being suffered to see this Deed, to advise upon it, and not giving him the opportunity to Defend his Right, the Profits of the Estate were instantly and suddenly sequestred by the Court of Chancery by Virtue of the Power of that Court over all Trusts, and*  
*a Re-*

a Receiver was appointed of the Rents, Named by Mr. Dean viz. the Apothecary who so well served Mr. Roberts with the two Vomitts, and that this Apothecary directly by the Order of Mr. Dean without Notice did turn Dr. Finney out of the Possession of his house and threw his Furniture and Goods into the street; if by sequestering the Profits of his Estate, by the immense Expence He was put to in defence of his Brother in Law Mr. Roberts, by the Most exorbitant Fines and Costs laid on him, Dr. Finney was disabled and had not Ability to defend his Right and if Mr. Dean and the Andersons took Advantage of his Absence and inability and thereby got Decrees of Chancery in favour of themselves for his Estates made absolute against him.

If Dr. Finney was drawn in to submit his Rights to be determined by a Verdict, and that Verdict was so illegally obtained.

against

*against him as set forth in the Case and Factum his Injuries are very great and he deserves Compassion.*

*If Dr. Finney was drawn in to subject his Title to the Barbado's Estate to be determined by this Verdict, trusting to the Laws of his Country, and upon a Verdict so fraudulent and illegal He was forced to transfer this Estate to the Use of Sir Steph. Anderson whose Title to it was grounded only on a Tavern-Jest.*

*If I say, all these Facts, together with the Perjuries, Subornations of Perjury, Briberies, Cruelties, &c. set forth in the several Papers published, are True, and these very Bad Examples are to be excused, and passed over to save Forms of Law, which bring much Gain. When the Law itself may be abused or altered to serve private purposes:*

and  
d he  
purposes: it is high time for Honest Men  
to sell, &c. and provide seasonably for their  
Security.

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